

Consumers Energy

February 6, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

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Attn: Private Wireless Division
Wireless Telecommunications Bureau

Re: PR Docket No. 92-235

Dear Mr. Caton:

The following comments are submitted by Consumers Energy Company in response to the FCC's Public Notice, DA 97-206, dated January 28, 1997, that invites comment on a plan to consolidate the current Part 90 Radio Services into two pools. Consumers Energy Company does not support a two pool consolidation due to the adverse impact it would have on the long term use of radio in support of safe generation and delivery of energy services.

Consumers Energy Company is Michigan's largest energy utility, and America's fourth largest combination gas and electric utility. Serving six million of the state's nine and one-half million residents in all 68 Lower Peninsula counties, Consumers Energy bears a significant responsibility to deliver safe and reliable energy services. The Michigan economy depends directly on the energy delivered by Consumers Energy Company.

Utility Uses of Private Radio Spectrum

The radio systems in use that will be adversely impacted by this Docket item are used exclusively to coordinate the generation and distribution of electricity and natural gas in Michigan.

Both VHF and UHF conventional repeater systems as well as low power portable radio equipment are used on a 24 hour a day basis in electric generation plants to coordinate generating equipment operation and repair, and across the state of Michigan in safely delivering electric and gas services.

From the highly dangerous task of dumping arriving railroad cars delivering coal to generation

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plants, to the safe docking of ships delivering coal via the Great Lakes, utilities such as Consumers Energy rely heavily on two way radio technology. We recently experienced significant interference to a duly licensed channel utilized for remote locomotive control to the extent that we were forced to temporarily halt operation of the locomotive. The interference was traced to a local landscape company. This type of conflicting priority may become commonplace if pool consolidation is not accomplished in the best way we know how.

The nuclear fueled generating plants in service utilize many radio channels below 512 MHz to coordinate safe operations, site security operations, public warning systems, and to provide emergency contingency communications as required by Nuclear Regulatory Commission directives. These last operations require close interaction with local law enforcement organizations as a matter of federal regulation. The public's safety and interests are preserved by the use of radio controlled wide area public address systems surrounding nuclear generation stations, which are also federally mandated.

On a daily basis, our electric and gas field crew personnel are asked to respond to scenes of emergencies; frequently these requests come from local police and fire agencies. Our crews must be able to reliably receive such emergency dispatches and to communicate effectively while on the scene of such emergencies. Utility crew personnel are requested to respond due to their ability to mitigate and/or resolve safety and health risks to those Public Safety personnel also responding as well the public in general. Police and fire personnel are neither trained nor equipped to deal with the typical electrical or gas emergency.

Part 90 User Pool Consolidation

A consolidation to a two pool system as recommended by Industrial Telecommunications Association, Inc. in its recent filing, fails to recognize the uses of private land mobile radio spectrum by utilities, and the impact of that use on the health and safety of the public in general. An assumption that only historic law enforcement and fire service organizations provide safety related services is false and extremely dangerous to the public. As noted above, Public Safety agency personnel are neither equipped or trained to deal with the scope of energy system related emergencies. Dealing with high voltages and high pressure natural gas equipment requires specifically developed skills and special safety equipment. Utility field work forces are a partner with local law enforcement agencies in providing safe emergency response services to the public.

The interests of the public would be better served by a plan that recognizes the contribution to public health and safety that utility radio systems make. For this reason Consumers Energy urges the FCC to carefully consider the solution offered by UTC. UTC's three-pool approach ranks each of the radio service pools according to the relative criticality of their services in accordance with the FCC's statutory mandate to provide radio service "for the purpose of promoting safety of life and property." The UTC solution offers the opportunity to accomplish the goal of user pool consolidation without unnecessarily risking communication links vital to utility delivery of emergency services. The UTC's consolidation plan includes practical, workable solutions to channel allocation issues, interservice sharing, resale of capacity, and frequency coordination.

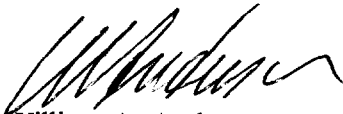
The Final Report adopted by the Public Safety Wireless Advisory Committee (PSWAC), clearly recognized the value to public safety that utility operations deliver. In its final report the PSWAC noted:

If present service pools are consolidated, the subcommittee recommended that three categories be established. These are 1) Public Safety, 2) Public Services, and 3) Business/Commercial, with the Public Safety frequencies identified by service. The services should be ranked according to their relative importance in performing essential Public Safety responsibilities and preserving the nation's infrastructure.

These thoughts, from the Public Safety community, identify and recognize the value that utility services provide to the public at large.

Consumers Energy Company is committed to providing energy service to the residents of Michigan in the safest, most cost efficient manner possible. Our ability to deliver on that commitment is at risk with a two pool consolidation plan. We believe that with the appropriate focus on the safety of the public, a pool consolidation can best be accomplished via the UTC's solution.

Sincerely,



William A. Anderson

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